

Notice of Allowability

Application No.

10/075,421

Examiner

Fred Prince

Applicant(s)

NEZAT, MALVIN A.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 15, 2004.
2. ☒ The allowed claim(s) is/are 1-9, 11-15, and 17-18 (renumbered as 1-16).
3. ☒ The drawings filed on 14 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0304.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Fred G. Prince
FRED G. PRINCE
PRIMARY EXAMINER
3/30/04

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Marsteller, Jr. on March 29, 2004.

The application has been amended as follows:

In claim 14, line 10, "the" has been deleted prior to "outlet" and --an-- inserted therefor.

In claim 14, line 12, "location" has been deleted and --location, wherein the tank, intake assembly, and outlet assembly form an airtight, compartmented system when the entrance end of the intake assembly and the exit end of the outlet assembly are sealed.-- has been inserted therefor.

Listing of Claims

It is noted that applicant inadvertently submitted an incomplete original claim in the listing of claims received on January 15, 2004. Original claim 18 submitted February 14, 2002 is unchanged and is the claim of record, as confirmed by applicant's representative on March 29, 2004.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

While it is known in the art to provide an apparatus and method for separating solids from slurries comprising a separation tank mounted on a mobile carrier, an intake assembly means for communicating with the separation tank for conveying the slurry through an entrance end into an inlet formed in the tank, an outlet system assembly means communicating with the separation tank for conveying decanted liquid in an outlet fluid flow line through an outlet formed in the tank to an exit end positioned in a desired location, a pump means mounted in the fluid outlet flow line adapted for conveying the decanted liquid from the separation tank, and through the outlet system (see US Pat Nos. 1,437,007 to Otterson, 1,561,744 to Raymond, and 4,543,183 to Petretti), in the examiner's opinion, the prior art fails to teach or fairly suggest the tank, intake assembly, and outlet assembly form an airtight, compartmented system when the entrance end of the intake assembly and the exit end of the outlet assembly are sealed. The instant provides the advantage of providing fluid flow efficiency due to the sealed arrangement while minimizing damage to the outlet pump since solids are removed prior reaching to the pump.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine R. Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred G. Prince
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PRIMARY EXAMINER
3/30/04